

Attorney Docket No. 010048

## REMARKS

RECEIVED  
CENTRAL FILE CENTER

JAN 06 2005

Claims 1-21 are pending in the application.

Claims 1-21 stand rejected under 35 USC 103(a) as being unpatentable over LeBlanc (USPN 6,236,365). Applicant respectfully traverses this rejection.

Independent claims 1, 7, 12, and 16 recite, among other things, that the "transmitting source is either an origination source or a repeater associated with the origination source." To establish a *prima facie* case of obviousness, the cited references must teach or suggest all the claim limitations. (MPEP 706.02(j).) Applicant submits that the cited references do not teach or suggest the claimed combination defined in the claim, particularly the quoted limitation.

In rejecting the independent claims, the rejection asserts that LeBlanc teaches "a repeater associated with an origination source." Upon careful reading of the disclosure cited for the teaching at Abstract; FIGs. 1 and 2; column 17, line 14, through column 19, line 60; and column 39, lines 7-67, LeBlanc describes conventional base stations with sector coverage area, but nowhere does LeBlanc teach the use of repeaters associated with base stations. Thus, a *prima facie* case of obviousness is not established for the claim.

Accordingly, the rejection of independent claims 1, 7, 12, and 16 under 35 USC103(a) as being unpatentable over LeBlanc should be withdrawn in the next Office action. And, at least by virtue of their dependency on patentable independent claims 1, 7, 12, and 16, dependent claims 2-6, 8-11, 13-15, and 17-21 should be allowed in the next Office action.

The other two rejections of the instant Office action have LeBlanc as the primary reference. For the same reason given for overcoming the rejection of claims 1-21, claims 22-45 should be allowed in the next Office action.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests the reconsideration and reexamination of this

Attorney Docket No. 010048

application and the timely allowance of the pending claims. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: 1/6/05

Respectfully submitted,

By: Donald C. Kordich

Donald C. Kordich  
Attorney for Applicant  
Registration No. 38,213

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
(858) 658-5928 Ph.  
(858) 845-8455 Fax